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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,715	09/07/2000	Tomoaki Hokao	Q60731	1378

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EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,715

Applicant(s)

HOKAO, TOMOAKI

Examiner

Derrick W. Ferris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-11 and 15-33 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Response to Amendment***

1. **Claims 1-33** as amended are still in consideration for this application.
2. Examiner does **not withdraw** the anticipated rejection to *Sugita* and the anticipated rejection *Easton* for Office action filed 05/28/04. The examiner has carefully considered applicant's arguments. Applicant's arguments filed 3/28/2005 have been fully considered but they are not persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out *how the language* of the claims patentably distinguishes them from the references. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., how the timing(s) are arbitrary) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claims should also be given their broadest but reasonable interpretation in light of the specification, see *In Re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51. In the above particular case, applicant attempts to clarify that the arbitrary reading and writing is used in the context of discontinuous transmission within a code period. Both references teach timing that occurs in the above context (i.e., supports discontinuous transmissions within a code period) and thus meets and is consistent with an arbitrary timing. For example, *Easton* see e.g., figure 1 where the timing is based on a sleep counter 203 which is based in part on the sleep interval which is not fixed since the sleep interval is 26.66 ms (i.e., the timer must first be triggered by an event and is also inherently inaccurate).

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In particular, note that the timing relies on a counter and not necessarily a system clock where the timer is derived in part from the window. *Sugita* teaches reading using timer 70 which is also based on a timer which occurs during a discontinuous transmission within a code period, see e.g., column 9, lines 23-43. In the case of *Sugita* the timer is based on the inherent inaccuracies of system clocks. Thus the limitation is met given the above context of the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-11, 15-26 and 27-33** are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0744840 A2 to *Sony Corporation* (“*Sony*”) (cited in prior IDS as JP H8-321804).

As to **claim 1**, see figure 5 with respect to a PN code generator 62 and register(s).

Although *Sony* teaches generating a long PN code, the technique taught is still the same for the claim recitation. For example, with respect to a storing means, code generation means, and control means see e.g., column 9, lines 23-44. Specifically, examiner notes a reasonable but broad interpretation of “arbitrary timing”.

As to **claim 2**, see similar rejection for claim 1.

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As to **claims 3-11**, see Section (3) Structure of Timing Controller and specifically column 9 in reference to figures 5, 7, and 8.

As to **claims 15-16**, see similar rejection for claim 1.

As to **claims 17-20**, see Section (3) Structure of Timing Controller and specifically column 9 in reference to figures 5, 7, and 8.

As to **claims 21-22**, see similar rejection for claim 1.

As to **claims 23-26**, see Section (3) Structure of Timing Controller and specifically column 9 in reference to figures 5, 7, and 8.

As to **claims 27-33**, see e.g., column 9, lines 23-42.

5. **Claims 1-6, 11, 15-26 and 27-33** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,590,886 B1 to *Easton et al.* ("*Easton*").

As such to **claim 1**, for step (a) *Easton* discloses a method and circuit for reducing the amount of time a mobile station spends in the active phase of a slot in a communications system utilizing a slotted paging mechanism, see e.g., column 3, lines 35-55. In particular, note the difference of the prior art shown in figure 2 in comparison with *Easton's* invention in figure 3. Specifically, *Easton's* invention uses "arbitrary timing" since the values for determining the wake period (and thus the reading and writing) are determined by the previous environment since the multipath environment may change when the mobile "wakes up", see e.g., column 3, lines 23-32 and column 6, lines 43-60. Although a receiver is shown in figure 1 a transmitter is simply the reverse of the receiver.

As to **claim 2**, see similar rejection to claim 1.

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As to **claims 3-6**, see e.g., figure 3.

As to **claims 11 and 12**, see combined rejection to claims 1 and 2.

As to **claims 15**, see similar rejection to claim 1.

As to **claims 16**, see similar rejection to claim 2.

As to **claims 17-20**, see similar rejection to claims 3-6 respectfully.

As to **claims 21**, see similar rejection to claim 1.

As to **claims 22**, see similar rejection to claim 2.

As to **claims 23-26**, see similar rejection to claims 3-6 respectfully.

As to **claims 27-33**, the startup time is different since the offset may change when the mobile wakes up, see e.g., column 6, lines 42-60.

Allowable Subject Matter

6. **Claims 13-14** are allowable.
7. **Claim 12** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663


DWF


RICKY NGO
PRIMARY EXAMINER
7/8/05